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ABSTRACT

Information concerning the federal regulations governing the basic citizenship skills requirement for immigrant legalization, as amended, is presented. Materials include: (1) a sample memorandum to educational service providers relaying information concerning the requirement; (2) revised requirements and guidelines for courses of study recognized by the Attorney General, including definitions of terms relevant to the legislation, Immigration and Naturalization Service requirements for course content and design, a brief description of the required Federal Citizenship text series, and program guidelines and functional guidelines for recognized courses; (3) a description of the English-civics tests available to legalized aliens; (4) a revised list of 100 standardized United States history and government questions and answers; (5) a list of 20 sample sentences used in the English literacy test; (6) a list of alternatives for aliens "satisfactorily pursuing" a recognized program of English and civics study; and (7) form I-803, a petition for the Attorney General's recognition to provide a course of study for Phase II legalization. (MSE) (Adjunct ERIC Clearinghouse on Literacy Education)

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LEGALIZATION: PHASE TWO

REQUIREMENTS AND GUIDELINES FOR COURSES OF STUDY

RECOGNIZED BY THE ATTORNEY GENERAL

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

E.B. Duarte

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INS CENTRAL OFFICE

OUTREACH PROGRAM

(FTS/202) 633-4123

JULY 12, 1989

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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Memorandum

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Subject	Date
Phase II Legalization: Basic Citizenship Skills Requirement	13 JUL 1989

To

E.B. Duarte
Director
Office of Outreach
(CODOP)

From

Office of Legalization
(COLEG)

The Final Rule implementing Phase II Legalization was published in the Federal Register on July 12, 1989. Several of the regulations governing the basic citizenship skills requirement have been amended. To ensure that programs involved in preparing legalized aliens to meet this requirement are aware of these changes, the following materials are provided for your use and dissemination through national, regional, and local outreach efforts:

Sample Memorandum to Educational Service Providers Relaying Information Concerning the Basic Citizenship Skills Requirement

Revised Requirements and Guidelines for Courses of Study Recognized by the Attorney General

Description of English-Civics Tests Available to Legalized Aliens

Revised List of 100 Standardized U.S. History and Government Questions/Answers

List of 20 Sample Sentences Used in English Literacy Test

List of "Satisfactorily Pursuing" Alternatives

Form I-803, Petition for Attorney General Recognition to Provide Course of Study for Phase II Legalization

If you have any questions or require additional information concerning the final regulations governing the basic citizenship skills requirement, please do not hesitate to contact me.

Terrance M. O'Reilly
Assistant Commissioner

Form G-2
(Rev. 1-2-80)

SAMPLE

MEMORANDUM

TO: SUPERINTENDENTS, SCHOOL DISTRICTS (K-12)
PRESIDENTS, COMMUNITY COLLEGES
DIRECTORS, ADULT EDUCATION PROGRAMS
DIRECTORS, ESL PROGRAMS
QUALIFIED DESIGNATED ENTITIES (QDEs) IN GOOD STANDING
COMMUNITY BASED ORGANIZATIONS
STATE LEGALIZATION IMPACT ASSISTANCE (SLIAG) COORDINATORS
(OTHER)

SUBJECT: Basic Citizenship Skills Requirements/English-Civics Courses of Study for Amnesty Applicants Seeking to Adjust Status from Temporary to Permanent Resident Under Section 245A of the Immigration and Nationality Act, as Amended by the Immigration Reform and Control Act of 1986 (IRCA).

ENCLOSURES:

(1) Legalization Phase II - Requirements and Guidelines for Courses of Study Recognized by the Attorney General (Rev. 7/12/89)

(2) Tests Available to Legalization Applicants to Demonstrate Compliance with Basic Citizenship Skills Requirements of IRCA for Adjustment to Permanent Resident Status

(3) List of 100 Standardized U.S. History and Government Questions and Answers for Civics Test at Time of Interview for Adjustment to Permanent Residence (Rev. 7/12/89)

(4) List of 20 Sample Sentences for English Literacy Test at Time of Interview for Adjustment to Permanent Residence

(5) Definition of "Satisfactorily Pursuing" (Listing of Alternatives)

(6) Form I-803, Petition for Attorney General Recognition to Conduct Course of Study for Phase II Legalization

(7) INS Chief Legalization Officer and Outreach Coordinator Address and Telephone List

(8) Other

Enclosures (1) through ( ) are forwarded to assist in your planning, development and/or continued administration of INS approved courses of study for those seeking permanent resident status under the terms of the Immigration Reform and Control Act of 1986 (IRCA). The Guidelines for Recognized Courses of Study reflect the requirements in the Final Rule implementing Phase II of the Legalization Program as published in the Federal Register on July 12, 1989.

Please refer questions to:

INTRODUCTION

It is the intent of the INS to recognize a maximum number of credible courses of instruction so that aliens choosing to adjust their status by satisfactorily pursuing a course of study recognized by the Attorney General may have access to enrollment in one of these programs.

The Service hopes that the eventual goal for every alien is to aspire to and achieve a high level of English proficiency and a broad knowledge of U.S. history and government. However, it is realized that for the purpose of becoming a permanent resident, applicants may reach only the first steps of the educational journey by "satisfactorily pursuing" these goals.

Each recognized course of study is expected to meet all INS requirements, and to tailor an instructional program that will assist enrollees toward ultimately reaching a level of functional learning sufficient to pass the naturalization exam.

These guidelines are prepared in four parts:

o Part I - Definitions specific to IRCA and INS regulations implementing IRCA.

o Part II - INS requirements for recognized courses.

o Part III - Brief description of the Federal Citizenship Text series. (This series is required to be used in all recognized courses.)

o Part IV - Program considerations. (This section includes functional guidelines for recognized courses.)

NOTE: These guidelines supercede the previously issued Requirements and Guidelines for Courses of Study Recognized by the Attorney, dated December 16, 1988.

PART I - DEFINITIONS

Courses of study recognized by the Attorney General (8 CFR 245a.3(b)(5)) are those sponsored or conducted by:

- o An established public or private institution of learning recognized as such by a qualified state certifying agency.
- o Institutions of learning approved by the INS to issue Forms I-20 (8 CFR 214.3).
- o Qualified Designated Entities in good standing (8 CFR 245a.1(r)).
- o Other educational programs approved by INS district directors in whose jurisdiction the program is conducted, or by the Director of the INS Outreach Program, nationally.

Developmentally disabled (Same definition as that found at section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act of 1987, Pub. L. 100-146.)

A severe, chronic disability of a person which:

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age twenty-two;

(C) is likely to continue indefinitely;

(D) results in substantial functional imitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

Federal Citizenship Text Series

Textbooks published under the authority of section 346 of the Immigration and Nationality Act (Act) covering information on United States history, United States government, and citizenship rights and responsibilities. The content of the examination administered to legalization applicants is derived from these textbooks. The content of the Federal Citizenship Text series is also used to test persons petitioning for naturalization.

In good standing (refers to Qualified Designated Entities (QDEs))

Those qualified designated entities whose cooperative agreements have not been suspended or terminated by the Service, or whose agreements have not been allowed to lapse by the Service prior to January 30, 1989 (the expiration date of the INS cooperative agreement for all designated entities), or those whose agreements were not terminated for cause by the Service subsequent to January 30, 1989.

Subsequent to January 30, 1989, and throughout the period ending on November 6, 1990, a QDE in good standing may: (1) Serve as an authorized course provider pursuant to INS regulations (8 CFR 245a.3(b)(5)(i)(C)); (2) Administer the IRCA Test for Permanent Residency (proficiency test), provided an agreement has been entered into with and authorization has been given by INS (8 CFR 245a.1(s)(5)), and; (3) Certify as true and complete copies of original documents submitted in support of Form I-698 in the format prescribed in 8 CFR 245a.3(d)(2).

Minimal understanding of ordinary English

Applicant can satisfy basic survival needs and routine social demands. He or she can handle jobs that involve following simple oral and very basic written communication.

Physically unable to comply

The physical disability must be of a nature which renders the applicant unable to acquire the four language skills of speaking, understanding, reading, and writing English.

Qualified Designated Entity (QDE)

An state, local, church, community, farm labor organization, voluntary organization, association of agricultural employers, or individuals determined by the Service to be qualified to assist aliens in the preparation of applications for Legalization status.

Satisfactorily pursuing

(1) An applicant for permanent resident status has attended a recognized program for at least 40 hours of a minimum 60-hour course as appropriate for his or her ability level, and is demonstrating progress according to the performance standards of the English/citizenship course prescribed by the recognized program in which he or she is enrolled (as long as enrollment occurred on or after May 1, 1987). Course standards include attainment of particular functional skills related to communicative ability, subject matter knowledge, and English language competency. Attainment of these skills is measured either by successful completion of learning objectives appropriate to the applicant's ability level, or attainment of a determined score on a test or tests, or both of these; or

(2) An applicant presents a high school diploma or general educational development diploma (GED) from a school in the United States. A GED

gained in a language other than English is acceptable only if a English proficiency test has been passed. The curriculum for both the high school diploma and the GED must have included at least 40 hours of instruction in English and U.S. history and government); or

(3) An applicant has attended for a period of one academic year (or the equivalent thereof according to the standards of the learning institution), a state recognized, accredited learning institution in the United States and that institution certifies such attendance (as long as the curriculum included at least 40 hours of instruction in English and U.S. history and government); or

(4) An applicant has attended courses conducted by employers, social, community, or private groups certified (retroactively, if necessary, as long as enrollment occurred on or after May 1, 1987, and the curriculum included at least 40 hours of instruction in English and U.S. history and government) by the district director or the Director of the Outreach Program under 8 CFR 245a.3(b)(5)(i)(D); or

(5) An applicant attests to having completed at least 40 hours of individual study in English and U.S. history and government and passes the proficiency test for legalization, called the IRCA Test for Permanent Residency, indicating that the applicant is able to read and understand minimal functional English within the context of the history and government of the United States. Such test may be given by INS, as well as, State Departments of Educations (SDEs) (and their accredited education agencies) and Qualified Designated Entities in good standing (QDEs) upon agreement with and authorization by INS. Those SDEs and QDEs wishing to participate in this effort should write to the Director of the INS Outreach Program at 425 "I" Street, N.W., Washington, D.C. 20536, for further information.

Part II - INS Requirements

The requirements for all INS recognized courses of study are listed below:

1. Evidence of certification as a recognized course of study. Courses of study recognized by the Attorney General include those sponsored or conducted by:

- o an established public or private institution of learning recognized as such by a qualified state certifying agency;
- o institutions of learning approved by the INS to issue Forms I-20;
- o Qualified Designated Entities (QDEs) in good standing;
- o educational services providers approved by INS district directors to provide courses in that district only, or by the Director of Outreach, nationally.

These courses shall, upon request, and on issuance of each "Certificate of Satisfactory Pursuit" (Form I-699), submit official evidence of their certification, including at least one of the following:

- o certification from a qualified state certifying agency;
- o INS school approval for attendance by nonimmigrant students;
- o INS identification number for QDE cooperative agreement;
- o Approval of the INS district director or Director of the Outreach Program (Form I-804, Certificate of Attorney General Recognition).

2. Use of the Federal Citizenship Text Series

The INS regulations implementing IRCA require all recognized courses to include the materials published under the authority of section 346 of the Act, the series known as the Federal Citizenship Texts. These materials, which include the English as a Second Language (ESL) edition of the Citizenship Texts, can be used in a variety of ways:

- o basic text for citizenship classes;
- o content reference for developing competency based instructional materials for ESL/citizenship curriculum;
- o review questions for student preparation for the permanent resident exam;
- o illustrations and photographs to stimulate discussion for practice in English;
- o glossary for vocabulary development;

- other.

Courses designed specifically for citizenship preparation are allowable, provided they are conducted in the English language. Courses designed primarily to improve English language skills must incorporate the content of the Federal Citizenship Text series in a manner and extent appropriate to the given level of instruction.

3. Use of a curriculum

Curriculum means a defined course for an instructional program. Minimally, it prescribes **WHAT** is to be taught. What is to be taught should be words and phrases in ordinary, everyday usage. The curriculum should also prescribe **HOW** the course is to be taught, **WITH WHAT MATERIALS**, and **WHEN** and **WHERE**.

The curriculum must:

- include the content of the Federal Citizenship Text series as the basis for curriculum development (other texts with similar content may be used in addition to, but not in lieu of, the Federal Citizenship Text series);
- be designed to provide at least 60 hours of instruction per class level;
- be relevant and educationally appropriate for the program focus and the intended audience; and
- be available for examination and review by INS upon request.

The curriculum should be designed to enable eligible legalized aliens to obtain the English language and citizenship skills necessary to acquire permanent residence status and, later, United States citizenship.

4. Maintenance of student records

Minimum information for each enrollee must include:

- an intake form including:
  a. name (exactly as it appears on Form I-688A, Employment Authorization Card, or Form I-688, Temporary Resident Card)
  b. A-90 number
  c. date of enrollment
- attendance records
- assessment records
- photocopy of signed "Certificate of Satisfactory Pursuit"

(Form I-699) issued to the student.

The recognized course provider must maintain these records for a period of three years from the student's enrollment.

5. Fee structure

No maximum fee standard will be imposed by the Attorney General. However, if it is believed that a fee charged is excessive, this factor alone will justify non-certification of the course provider by INS as provided in 8 CFR 245a.3(b)(10) and/or (12). Once fees are established, any change in fee without prior approval of the district director or the Director of Outreach may justify de-certification. In determining whether or not a fee is excessive, district directors and the Director of Outreach shall consider such factors as the means of instruction, class size, prevailing wages of instructors in the area of the program, and additional costs such as rent, materials, utilities, insurance, and taxes. District directors and the Director of Outreach may also seek the assistance of various Federal, State and local entities as the need arises (e.g., State Departments of Education) to determine the appropriateness of course fees.

6. On-site monitoring by INS

Outreach personnel in conjunction with the district director shall monitor the course providers in each district in order to:

- o assure the certification of the program as a qualified institution recognized by the Attorney General;
- o confirm the existence of a curriculum on file for each level of instruction provided in English language and U.S. history and government classes;
- o assure that "Certificates of Satisfactory Pursuit" (Form I-699) are being issued in accordance with Service regulations;
- o assure that records are maintained on each temporary resident enrollee;
- o assure that fees, if any, assessed by the course provider are not excessive.

If the INS has reason to believe that the service is not being provided to the applicant, INS will issue a 24-hour minimum notice to the service provider before any site visit is conducted.

DECERTIFICATION PROCEEDINGS

If it is determined that a course provider is not performing according to established standards, the district director shall institute decertification proceedings.

- o A Notice of Intent to Decertify shall be issued.

o The course provider has 30 days within which to take corrective action to conform to established standards.

o If, after 30 days, the district director is not satisfied that the basis for decertification has been overcome, certification will be withdrawn. A copy of the notice of decertification will be sent to the appropriate State agency.

7. Appointment of "designated official" from each recognized course of study.

The designated official is the authorized person from each recognized course of study whose signature appears on all "Certificates of Satisfactory Pursuit" (Form I-699) issued by that course.

Stipulations for appointment of a "designated official"

The designated official must be a regularly employed member of the school administration whose office is located at the school and whose compensation does not come from commissions for recruitment for foreign students.

Appointment of a "designated official"

The head of the school system or school, the director of the QDE, the head of a program approved by the Attorney General, or the president or owner of other institutions recognized by the Attorney General must designate a designated official.

The designated official may not delegate this designation to any other person. Each school or institution may have up to three designated officials at any time. In a multi-campus institution, each campus may have up to three designated officials at any one time.

Statement of "designated official"

Each designated official shall have read and otherwise be familiar with the Requirements and Guidelines for Courses of Study Recognized by the Attorney General. The signature of a designated official shall affirm the official's compliance with INS requirements.

Name, title, and sample signature for "designated official"

The name, title, and original signature of each designated official shall appear on each "Certificate of Satisfactory Pursuit" (Form I-699) issued.

8. Issuance of "Certificate of Satisfactory Pursuit" (Form I-699)

Each recognized program shall prepare a standardized certificate that is signed by the designated official.

The "Certificate of Satisfactory Pursuit" shall be issued to an applicant who has attended a recognized program for at least 40 hours of a minimum 60-hour course as appropriate for his or her ability level, and is demonstrating progress

according to the performance standards of the English/citizenship course prescribed. Such standards shall include attainment of particular functional skills related to communicative ability, subject matter knowledge, and English language competency. Attainment of these skills shall be measured either by successful completion of learning objectives appropriate to the applicant's ability level, or attainment of a determined score on a test or tests, or both of these.

Conditions for rejection of Certificates

The district director shall reject a "Certificate of Satisfactory Pursuit" if:

o It is determined that the certificate is fraudulent or was fraudulently issued;

o It is determined that the course provider is not complying with INS regulations.

- In the case of non-compliance, the district director will advise the course provider in writing of the specific deficiencies and give the provider thirty days within which to correct such deficiencies.

- District directors will accept Certificates from course providers once it is determined that the deficiencies have been satisfactorily corrected.

o Course providers which engage in fraudulent activities or fail to conform with INS regulations will be removed from the list of INS approved programs and the INS will not accept "Certificates of Satisfactory Pursuit" from these providers.

o Certificates may be accepted if a program is cited for deficiencies or decertified at a later date and no fraud was involved.

o Certificates shall not be accepted from a course provider that has been decertified unless the alien had enrolled in and had been issued a Certificate prior to the decertification, provided that no fraud was involved.

o The appropriate State agency responsible for SLIAG funding shall be notified of all decertification by the district director.

9. Notice of Participation

All courses of study recognized by the Attorney General under 8 CFR 245a.3 (b)(5)(i)(A)-(C) that are already conducting or will conduct English and U.S. history and government courses for temporary residents must submit a Notice of Participation to the district director in whose jurisdiction the program is conducted. Acceptance of "Certificates of Satisfactory Pursuit" (Form I-699) shall be delayed until such time as the course provider submits the Notice of Participation.

The Notice of Participation shall be in the form of a letter typed on the letterhead of the course provider (if available) and include the following:

- o The name(s) of the school(s)/program(s);
- o The complete addresses and telephone numbers of sites where courses will be offered, and class schedules;
- o The complete names of persons at sites in charge of conducting English and U.S. history and government courses of study;
- o A statement that the course of study will issue "Certificates of Satisfactory Pursuit" to temporary resident enrollees according to INS regulations;
- o A list of designated officials of the recognized course of study authorized to sign "Certificates of Satisfactory Pursuit", and samples of their original signatures;
- o A statement that if course provider charges a fee to temporary resident enrollees, the fee will not be excessive.

The Notice of Participation must also include evidence of recognition under 8 CFR 245a.3(b)(5)(i)(A), (B), or (C) (e.g., certification from a qualified state certifying agency; evidence of INS approval for attendance by nonimmigrant students, such as the school code number, or the INS identification number from the QDE cooperative agreement).

The course provider shall notify the district director, in writing, of any changes to the information contained in the Notice of Participation subsequent to its submission within ten days of such change.

A Certificate of Attorney General Recognition to Provide Course of Study for Legalization (Phase II), Form I-804, shall be issued to course providers who have submitted a Notice of Participation in accordance with INS regulations by the district director.

A Notice of Participation deficient in any way shall be returned to the course provider to correct the deficiency. Upon the satisfaction of the district director that the deficiency has been corrected, the course provider shall be issued Form I-804.

Each district director shall compile and maintain lists of recognized courses within his or her district.

PART III - FEDERAL CITIZENSHIP TEXT SERIES

INS regulations implementing IRCA mandate that all recognized courses of study include the use of textbooks published under the authority of section 346 of the Act. Such authorized materials include the Federal Citizenship Text series, revised in 1987, and the 1988 English as a Second Language (ESL) edition of the Citizenship Text series.

This is a recommended guide for use by all programs preparing applicants for permanent resident status.

Description of Texts

The 1987 edition of the Federal Citizenship Text series consists of 5 books, in addition to a reference manual for citizenship instructors. The main focus of the texts is on understanding the heritage and development of the United States and its system of government.

Three basic topics are covered in the texts:

- o U.S. History: 1600-1987;
- o U.S. Government Structure; and
- o Citizenship Education and Naturalization Information.

There are two versions of the history text and two versions of the government text which are based on two levels of readability:

- o Level I - 4th to 6th grade, and
- o Level II - 8th to 10th grade.

Citizenship Education and Naturalization Information is written at one level and is intended for use by all individuals.

The texts provide basic information and are written in a clear, concise manner. The narrative is comprehensible to the different levels described above. The visuals (illustrations, photographs, maps) are understandable to all of the language/ethnic/cultural groups to be served. The texts contain general learning objectives, or areas of competency, as well as, review questions which will aid the learners by highlighting key information that may be covered by examiner's questions.

The history text provides an overview of U.S. history for the purpose of understanding the evolution of the Constitution and other major documents and the U.S. form of government. It provides the history, content and purpose of the Constitution, historical and current forms, the amendment process, major historical events, etc.

The government text describes the Constitution as the basis of the government, the general structure of the government, the three branches of government, and

the importance, duties and authority of each. The relationship, as well as, the differences and similarities among federal, state and local governments are described. The government's responsibilities to citizens and citizens' responsibilities to their local, state and federal government are discussed. The citizenship education and naturalization information text includes the rights and responsibilities of being a United States citizen. Community participation, voicing opinions and taking pride in being a citizen of the United States are discussed. General information on becoming a citizens--the procedure for filing an application for citizenship, taking the naturalization examination, appearing for the court hearing, and eligibility requirements--is provided.

The INS has recently published an English as a Second Language (ESL) edition of the Federal Citizenship Text series. There are three books in the ESL series:

- Of The People...U.S. History 1600-1988
- By The People...U.S. Government Structure
- For The People...U.S. Citizenship Education and Naturalization Information

Use of the Texts

The Federal Citizenship Text series was originally intended for naturalization applicants. However, these texts have been updated and are to be used by instructors in both legalization and naturalization classes. Because the circumstances under which the texts will be used differ greatly, the texts have been designed to accommodate different learning situation; that is,

- adult education citizenship classes;
- correspondence courses; and,
- home study/individual preparation.

Competency objectives which should be achieved by the completion of the course are included in the beginning of each text. The objectives describe in general terms the skills or knowledge learners should have when they complete the texts. The series is not a curriculum not a substitute for developing one. (It is assumed that specific performance objectives will be developed by each program as a part of their existing curriculum.)

At the end of each chapter is a set of review questions. The questions focus on:

- knowledge of major events or circumstances which contributed to the development of the United States;
- general concepts and principles underlying the structure of the United States government;

- o important features of the United States system of government; and,
- o a general understanding of the operation of the government.

How to Acquire these Texts

One complete set of the 1987 edition of the Federal Citizenship Text series, as well as, the 1988 ESL edition, is available free of charge to recognized programs through the INS Outreach Program. A recognized course provider that has not already received a set of these texts should request one in writing from the Director of Outreach, Immigration and Naturalization Service, 425 "I" Street, N.W., Washington, D.C. 20536. Evidence of recognition should accompany the written request. Copies may also be purchased through the Government Printing Office (GPO).

Federal Citizenship Text Series

SUPERINTENDENT OF DOCUMENTS
GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

ORDER NUMBER: (202) 275-2091

INFORMATION NUMBER: (202) 783-3238

TITLE	PRICE*
o Reference Manual for Instructors (M-286)	$2.50
o Citizenship Education and Naturalization Information (M-287)	$2.00
o U.S. History Level I (M-289)	$6.50
o U.S. History Level II (M-288)	$5.50
o U.S. Government Structure Level I (M-291)	$3.25
o U.S. Government Structure Level II (M-290)	$3.00
o Citizenship Charts (Set of 10) (M-9)	$7.50

* Per book. When ordering in quantity, request bulk rate.

Pricing information for the 1988 ESL edition of the Federal Citizenship Text series may be obtained by contacting the GPO at the above-referenced telephone number.

PART IV - PROGRAM CONSIDERATIONS

The demonstration of basic citizenship skills is a requirement under IRCA for all persons to adjust from temporary to permanent resident status. These requirements are waived, however, for those applicants who, as of the date of application or the date of eligibility for permanent residence, whichever date is later, are:

- o under 16 years of age; or
- o 65 years of age or older; or
- o over 50 years of age who have resided in the United States for at least 20 years and submit evidence establishing the 20-year qualification requirement; or
- o developmentally disabled (such persons must submit medical evidence concerning their developmental disability); or
- o physically unable to comply (such persons must submit medical evidence concerning their physical disability).

It is not necessary for an individual who falls within one of the above-listed categories to submit a formal waiver application in order to have the waiver of the basic citizenship skills requirement applied.

Basic citizenship skills are defined in IRCA as a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States.

Temporary resident aliens can satisfy the basic citizenship skills requirement either by:

1. demonstrating that they meet the requirements of section 312 of the Immigration and Nationality Act, as amended (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States);

or

2. satisfactorily pursuing a course of study recognized by the Attorney General to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

Those individuals electing to satisfy the basic citizenship skills requirement under the second option by actually attending at least 40 hours of a minimum 60-hour course of study are the group for which these programs are intended.

Before instituting a program there are certain practical elements that need to be addressed. A great deal of flexibility and variation is expected in the actual operation of each program. However, all programs should consider the following factors as course of study are developed and implemented:

1. Linking to the INS

The Service wants the permanent residence phase of the Legalization Program (Phase II) to succeed and is available to work with you to make your program as focused and successful as possible. This can be done in several ways:

- o use of the Federal Citizenship Text series will assure that your students have been taught the content from which an INS examiner will select questions;
- o an understanding of the procedures and time periods for adjustment from temporary to permanent resident status will help you help your enrollees;
- o pamphlets and brochures are available from the INS on naturalization requirements and other general information;
- o clear documentation of your program curriculum will help assure that enrollees in your program meet INS requirements for adjusting to permanent resident status;
- o establish an appropriate fee (if one is to be charged) to help assure compliance with INS requirements.

2. Intended Audience

The individuals seeking permanent resident status are from many countries of origin and represent a diversity of language, cultural and ethnic groups, with the largest group being Hispanic. Citizenship and ESL/citizenship instruction needs to be suited to meet the needs of:

- o adult learners;
- o learners at different skill and language levels—speaking, listening, reading and writing--in English and in their native language;
- o different styles and pace of learning within a group or class.

3. Flexible Scheduling

The intended audience includes many individuals dealing with significant demands on their time, energy, and resources. Scheduling of classes should be as flexible as possible in terms of time and location. After determining your intended audience and identifying their demands around job, family, migrant movement, etc., establish a schedule which will accommodate the maximum number of enrollees. Considerations include:

- o time(s) at which classes are offered each day;
- o length of each session;
- o frequency of sessions;
- o location.

If your program does not offer a class at a time or place convenient to the enrollees, referral to another recognized course of study is essential to their becoming permanent residents.

4. Linking to Other Recognized Courses of Study

Since satisfactory pursuit of English language skills and a knowledge of United States history and government will be the path taken by many applicants to satisfy the basic citizenship skills of IRCA to adjust to permanent resident status, it is essential that programs which are unable to serve some students provide these individuals with information about alternative programs.

Each program should prepare a matrix of other recognized courses of study in that area to be used internally. Information would minimally include:

- o name/sponsoring organization of the program
- o contact person
- o location
- o levels of instruction provided
- o schedule of classes
- o fee (if any)
- o special target populations (i.e, literacy, older adults, homemakers, persons with English reading skills but none-to-limited speaking ability, etc.)

Some additional advantages to establishing linkages between programs include:

- o establishment of uniform standards
  - a. assessment procedures
  - b. levels of instruction and criteria for movement to different levels
  - c. other policies that may affect performance outcomes for enrollees, such as attendance
- o resource collaboration and exchange

- o joint in-service training

- o exchange of technical assistance in areas of particular expertise within individual programs

- o needs identification and problem solving specific to the community, such as areas of under-enrollment, wait lists, or over-enrollment at particular instructional levels

5. Instructional Goals/Purpose

IRCA requires that temporary residents wishing to adjust their status must demonstrate a minimal understanding of ordinary English and have a knowledge and understanding of United States history and government, or be satisfactorily pursuing a course of study that is recognized by the Attorney General to achieve these skills. Because the audience to be served is so diverse, it is essential that each program determine what specific objectives it plans to achieve. It is not expected that all prpgrams will provided instruction for every student level. It is expected that all programs will have a clear statement of levels they plan to include, and what instruction is planned for them.

Citizenship Preparation

These are courses designed to prepare the participants for the naturalization exam. The same exam will be used for legalization applicants adjusting from temporary to permanent resident status.

The focus of this course is the content contained in the Federal Citizenship Text series. The 1987 edition of these texts is written at two reading levels: 4th to 6th grade, and 8th to 10th grade. The ESL component of these texts was published in 1988. Students' levels of English proficiency will vary and will need to be accommodated. Bilingual clarification may be needed at times.

ESL/Citizenship Preparation

Enrollees in these classes will receive integrated instruction in ESL and citizenship concepts and knowledge. Proficiency levels will vary and must be accommodated. The recently published ESL version of the Federal Citizenship Text series may be used in these classes.

6. Assessment Process

Assessment is a process to judge, appraise, rate, and interpret student needs, proficiency, and achievement.

The pre-enrollment assessment process will provide data for:

- o referral and placement into literacy, ESL/citizenship or citizenship instruction, and

- o monitoring student progress

In considering a student assessment design, the components that follow are essential.

Oral Interview

The oral interview may be conducted with bilingual staff, if necessary, to:

- o verify eligible legalized temporary resident status (A90 number series)
- o obtain demographic, ethnic, and education background (native country and U.S.)
- o determine capability for taking an assessment test based on oral, reading and writing skills demonstrated during the interview process
- o determine whether the enrollee can be served in your program or whether a referral is necessary.

Skills Assessment

An integral component of the pre-enrollment/assessment process is the appraisal of the participants' basic literacy and English language skills. The purpose of this testing is to place students into the correct level of instruction. Students' abilities will need to be assessed in these skills areas:

- o Listening: how well the enrollee responds to spoken cues
- o Speaking: how well the communicates in structured interview
- o Reading: how well the enrollee chooses appropriate answers based on selected vocabulary and readings
- o Writing: how well the enrollee demonstrates writing skills when presented with "real life" writing tasks

The length and type of assessment is often determined by practical, programmatic constraints, including staff and resource availability, and numbers of students at any given time. Many programs find that a short and easily administered test is preferable. Whatever test is used, the testing process should address assessment of those skills which are emphasized in the course curriculum. A program may desire to use a published standardized test or, if time and resources allow, may design assessment tests appropriate to the local program.

Selecting and/or Developing Assessment Instruments

Commercially available ESL language tests may be reliable and valid for testing basic language skills but may not relate directly to the local programs' curriculum, which is specific to permanent resident requirements for adult temporary residents. Thus, the local program will need to select and/or develop tests that are appropriate to competency-based ESL curricula, and competency-based United States history, government, and citizenship curricula.

Decisions will have to be made as to:

- o the criteria for movement or advancement within the local program
- o the test(s) content
    - a. attainment of competencies
    - b. aural/oral skills (communicative ability)
    - c. literacy/reading/writing skills
    - d. grammatical structures
- o time and staffing constraints affecting the assessment process
- o required bookkeeping

Whatever tests are selected for placement, diagnosis, achievement or advancement purposes, it is important that they be reliable, valid, and specific to the content areas being tested. The tests should:

- o provide consistent scores for the same individual when the test is taken on more than one occasion, and
- o provide an accurate measure of whatever the test is designed to measure, be it placement or achievement.

Referrals to educational services should be made on the basis of skills assessment results. A model for Student Performance Levels (SPL) is included in the next section. (See Appendix A.) One assessment instrument designed to correspond with this model is Basic English Skills Test (BEST). The BEST test does not include testing for United States history, government or citizenship.

A corresponding model compares SPLs with functional ability and appropriate referral. (See Appendix B.)

There are other tests and other models. The examples given may be useful in the selection or development of assessment instruments for your program.

7. Student Performance Levels (SPL)

The Student Performance Levels (SPL) describe a student's language ability in terms of listening, speaking, reading and writing skills, and the ability to communicate with a native speaker.

- o SPL 0-I-II corresponds with no-literacy to beginner level English language skills;
- o SPL III-IV corresponds with an intermediate level of ESL;
- o SPL V-VI indicates a higher level of English;

- o SPL VII-X indicates an advanced to native level of English.

The amount of time and number of instructional hours required to advance to a higher level of performance will vary. A few factors influencing learning include:

- o enrollee education level
- o age
- o proficiency with languages in addition to native language
- o quality and quantity of instruction
- o personal factors affecting the learner.

8. Selecting or Designing a Curriculum

The curriculum is a defined course for an instructional program. Minimally, it prescribes WHAT is to be taught. What is to be taught should be words and phrases in ordinary, everyday usage. The course curriculum should also prescribe HOW the course is to be taught, WITH WHAT MATERIALS, and WHEN and WHERE.

The curriculum should be designed to enable eligible legalized aliens to obtain the citizenship skills necessary to acquire permanent residence status and, later, United States citizenship.

The curriculum should also:

- o take into consideration the special needs of those enrolled who have had little or no education in their native countries and may not be literate in any language;
- o allow for flexibility in modes of delivery of instruction, i.e., classroom, tutorial, individualized, media-supported;
- o take into consideration the values, traditions, and needs of the multi-ethnic population to be served;
- o focus instruction on a continuum of specific student outcomes;
- o utilize a variety of learning strategies based on students' differing abilities, backgrounds, and learning styles.

Other Considerations

1. Teacher Qualifications

Second to the enrollee's motivation to learn, the teacher is the most important factor in the students' acquisition of language competencies. Excellent teachers come from a broad range of experiences and education and do not fit neatly into a particular mold.

Courses recognized by the Attorney General vary from providers who have had extensive experience in education services for limited English speakers to new programs with untested skills. Ideally, suggested qualifications for selection of teachers would include:

- o specific training in Teaching English to Speakers of Other Languages (TESOL)
- o experience as a classroom teacher with adults
- o cultural sensitivity and openness
- o familiarity with competency-based education
- o knowledge of curriculum and materials adaptation
- o knowledge of a second language
- o flexibility

Since some programs may be in locations where availability of the ideal staff is limited to non-existent, or where budget constraints restrict options, teacher selection should include as many of these qualities as possible. In any event, orientation, staff development, and teacher training are necessary parts of all programs.

2. Staff Development

On-going staff development is an important part of any management plan and should include:

- o pre-service training and orientation to program goals, objectives and expectations; and,
- o regular inservice training which includes the acquisition of information and upgrading of skills for increased effectiveness in job performance.

3. Suggested Class Size and Suggested Intensity of Instruction

Citizenship Preparation

It is assumed that enrollees in "regular" citizenship preparation classes will function with a higher level of English language proficiency and that a more independent learning style is operational.

- o Suggested class size 25-30 students
- o Suggested minimum intensity 1-2 times/week; 2 hours per session

ESL/Citizenship

SPL	LEVEL	CLASS SIZE	MINIMUM INTENSITY
0-1	Literacy	10-15	2 times/week; 2-3 hours per session
(1)2-3	Beginner	15-20	2 times/week; 2-3 hours per session
4-5	Intermediate	20-25	2 times/week; 2-3 hours per session
6-up		20-25	1-2 times/week; 2-3 hours per session

NOTE: The number of contact hours is dependent on the content area to be addressed by the program.

GLOSSARY OF TERMS

Assessment — A process to judge, appraise, rate, and interpret student needs, proficiency and achievement.

Competency — A demonstrated ability to perform a task successfully.

Competency-Based Education (CBE) — A performance-based process leading to mastery of the basic skills necessary for the individual to meet naturalization requirements. It requires:

- o assessment of student needs;
- o identification of outcomes which are known and agreed upon;
- o instruction focused upon agreed outcomes (competencies); and
- o evaluation of student achievement and competencies.

Literacy — A process which involves receiving information and ideas from print and putting information and ideas into print. It involves words, sentences, paragraphs, and longer forms of discourse.

Performance Objective — The description of how mastery of a competency will be demonstrated. It specifies:

performance - the specific behavior

condition - the performance situation

criteria - the standard for acceptable performance.

Proficiency Test — A measure of student ability used for placement and/or progress purposes.

Student Performance Levels (SPL) — General descriptions of students' language ability with respect to listening, oral communication, reading and writing.

ACRONYMS

B.E.S.T.	Basic English Skills Test
ESL	English as a Second Language
INS	Immigration and Naturalization Service
IRCA	Immigration Reform and Control Act of 1986
QDE	Qualified Designated Entity
SPL	Student Performance Levels
TESOL	Teaching of English to Speakers of Other Languages
INA (the Act,	Immigration and Nationality Act of 1952, as amended

APPENDIX A: STUDENT PERFORMANCE LEVEL DOCUMENT

The Student Performance Levels (SPLs) describe a student's language ability at a given level in terms of listening, speaking, reading, and writing skills; the ability to communicate with a native speaker, and readiness for employment.

STUDENT PERFORMANCE LEVELS

GENERAL LANGUAGE ABILITY	LISTENING COMPREHENSION	ORAL COMMUNICATION	READING	WRITING	B.E.S.T SCORE
0 No ability whatsoever.	No ability whatsoever.	No ability whatsoever.	No ability whatsoever.	No ability whatsoever.	0-8
I • Functions minimally, if at all, in English. • Can handle only very routine entry-level jobs that do not require oral communication, and in which all tasks can be easily demonstrated. • A native English speaker used to dealing with limited English speakers can rarely communicate with a person at this level except through gestures.	• Understands only a few isolated words, and extremely simple learned phrases. (What's your name?)	• Vocabulary limited to a few isolated words. • No control of grammar.	• Recognizes most letters of the alphabet, and single-digit numbers	• Copies letters of the alphabet, numbers, own name and address; needs assistance.	9-15
II • Functions in a very limited way in situations related to immediate needs Can handle only routine entry-level jobs that do not require oral communication, and in which all tasks can be easily demonstrated. • A native English speaker used to dealing with limited English speakers will have great difficulty communicating with a person at this level.	Understands a limited number of very simple learned phrases, spoken slowly with frequent repetitions.	Expresses a limited number of immediate survival needs using very simple learned phrases. • Asks and responds to very simple learned questions. • Some control of very basic grammar.	• Recognizes letters of the alphabet, numbers 1-100, and a few very common sight words (e.g. name, address, stop).	Writes letters of the alphabet, numbers 1-100, very basic personal info, on simplified forms; needs assistance.	16-28

STUDENT PERFORMANCE LEVEL:					
[illegible] ABILITIES	LISTENING COMPREHENSION	SPEAKING COMMUNICATION	READING	WRITING	BEST SCORE
III • Functions with some difficulty in situations related to immediate needs. • Can handle routine entry-level jobs that involve only the most basic oral communication, and in which all tasks can be demonstrated. • A native English speaker used to dealing with limited English speakers will have great difficulty communicating with a person at this level.	• Understands simple learned phrases spoken slowly with frequent repetitions.	• Expresses immediate survival needs using simple learned phrases. • Asks and responds to simple learned questions. • Some control of very basic grammar.	• Reads and understands a limited number of common sight words and short simple learned phrases related to immediate needs.	• Writes a limited number of very common words and basic personal info. on simplified forms; needs assistance.	29-41
IV • Can satisfy basic survival needs and a few very routine social demands. • Can handle entry-level jobs that involve some simple oral communication, but in which tasks can also be demonstrated. A native English speaker used to dealing with limited English speakers will have difficulty communicating with a person at this level.	• Understands simple learned phrases easily, and some simple new phrases containing familiar vocabulary, spoken slowly with frequent repetitions.	• Expresses basic survival needs, including asking and responding to related questions, using both learned and a limited number of new phrases. • Participates in basic conversations in a few very routine social situations (e.g. greeting, inviting). • Speaks with hesitation and frequent pauses. • Some control of basic grammar.	• Reads and understands simple learned sentences and some new sentences related to immediate needs; frequent misinterpretations.	• Writes common words and simple phrases related to immediate needs; makes frequent errors and needs assistance.	42-50
V • Can satisfy basic survival needs and some limited social demands. • Can handle jobs and job training that involve following simple oral and very basic written instructions but in which most tasks can also be demonstrated. • A native English speaker used to dealing with limited English speakers will have some difficulty communicating with a person at this level.	• Understands learned phrases easily and short new phrases containing familiar vocabulary spoken slowly with repetition. • Has limited ability to understand on the telephone.	• Functions independently in most face-to-face basic survival situations but needs some help. • Asks and responds to direct questions on familiar and some unfamiliar subjects. • Still relies on learned phrases but also uses new phrases (i.e. speaks with some creativity) but with hesitation and pauses. • Communicates on the phone to express a limited number of survival needs, but with some difficulty. • Participates in basic conversations in a limited number of social situations. • Can occasionally clarify general meaning by simple rewording. • Increasing, but inconsistent, control of basic grammar.	• Reads and understands some short simplified materials related to basic needs with some misinterpretations.	• Writes phrases and some short, simple sentences; completes simplified forms. • Makes some errors; needs assistance.	51-57

STUDENT PERFORMANCE LEVELS

	GENERAL LANGUAGE ABILITY	LISTENING COMPREHENSION	ORAL COMMUNICATION	READING	WRITING	TEST SCORE
VI	• Can satisfy most survival needs and limited social demands. • Can handle jobs and job training that involve following simple oral and written instructions and diagrams. • A native English speaker not used to dealing with limited English speakers will be able to communicate with a person at this level on familiar topics, but with difficulty and some effort.	• Understands conversations containing some unfamiliar vocabulary on many everyday subjects, with a need for repetition, rewording or slower speech. • Has some ability to understand without face-to-face contact (e.g. on the telephone, TV)	• Functions independently in most survival situations, but needs some help. • Relies less on learned phrases, speaks with creativity, but with hesitation. • Communicates on the phone on familiar subjects, but with some difficulty. • Participates with some confidence in social situations when addressed directly. • Can sometimes clarify general meaning by rewording. • Control of basic grammar evident, but inconsistent; may attempt to use more difficult grammar but with almost no control.	• Reads and understands simplified materials on familiar subjects. • May attempt to read some non-simplified materials (e.g. a notice from gas company), but needs a great deal of assistance.	• Performs basic writing tasks in a familiar context including short personal notes and letters (e.g. to a teacher or landlord). • Makes some errors; may need assistance.	55-64
VII	• Can satisfy survival needs and routine work and social demands. • Can handle work that involves following oral and simple written instructions in familiar and some unfamiliar situations. • A native English speaker not used to dealing with limited English speakers can generally communicate with a person at this level on familiar topics.	• Understands conversations on most everyday subjects at normal speed when addressed directly; may need repetition, rewording, or slower speech. • Understands routine work-related conversations. • Increasing ability to understand without face-to-face contact (telephone, TV, radio). • Has difficulty following conversation between native speakers.	• Functions independently in survival and many social and work situations, but may need help occasionally. • Communicates on the phone on familiar subjects. • Expands on basic ideas in conversation, but still speaks with hesitation while searching for appropriate vocabulary and grammar. • Clarifies general meaning easily, and can sometimes convey exact meaning. • Controls basic grammar, but not more difficult grammar.	• Reads and partially understands some non-simplified materials on everyday subjects; needs assistance.	• Performs routine writing tasks within a familiar context. • Makes some errors; may need assistance.	65+

	STUDENT PERFORMANCE LEVELS					
	GENERAL OVERALL ABILITY	LISTENING COMPREHENSION	SPEAKING COMMUNICATION	READING	WRITING	ESL SCORE
VIII	• Can participate effectively in social and familiar work situations. • A native English speaker not used to dealing with limited English speakers can communicate with a person at this level on almost all topics.	• Understands general conversation and conversation on technical subjects in own field. • Understands without face-to-face contact (telephone, TV, radio) may have difficulty following rapid or colloquial speech. • Understands most conversation between native speakers; may miss details if speech is very rapid or colloquial or if subject is unfamiliar.	• Participates effectively in practical and social conversation and in technical discussions in own field. • Speaks fluently in both familiar and unfamiliar situations; can handle problem situations. • Conveys and explains exact meaning of complex ideas. • Good control of grammar.	• Reads and understands most non-simplified materials including materials in own field.	• Performs writing tasks with reasonable accuracy to meet social and basic work needs.	
IX	• Can participate fluently and accurately in practical, social, and work situations. • A native English speaker not used to dealing with limited English speakers can communicate easily with a person at this level.	• Understands almost all speech in any context. Occasionally confused by highly colloquial or regional speech.	• Approximates a native speaker's fluency and ability to convey own ideas precisely, even in unfamiliar situations. • Speaks without effort. • Excellent control of grammar with no apparent patterns of weakness.	• Reads non-simplified materials.	• Approximates a native speaker's ability to write accurately.	
X	• Ability equal to that of a native speaker of the same socio-economic level.	• Equal to that of a native speaker of the same socio-economic level.	• Equal to that of a native speaker of the same socio-economic level.	• Equal to that of a native speaker of the same socio-economic level.	• Equal to that of a native speaker of the same socio-economic level.	

PRONUNCIATION: GLOBAL RATING

Speech is almost always unintelligible.	0
Speech is frequently not comprehensible.	1
Speech is generally understandable, but occasionally difficult or impossible to comprehend as a result of pronunciation problems.	2
Speech is readily understandable (from a pronunciation standpoint).	3

Department of Health and Human Services: Office of Refugee Resettlement

1985 Mainstream English Language Training Project (MELT). Washington, D.C.

APPENDIX B

A COMPARISON: STUDENT PERFORMANCE LEVEL, FUNCTIONAL ABILITY, AND APPROPRIATE REFERRAL

STUDENT PERFORMANCE LEVEL	FUNCTIONAL ABILITY/APPROPRIATE REFERRAL
7 - 10	Indicates enrollee is functioning at or above GED/high school level. Participants at this level of cbility are capable of functioning successfully in a high school U.S. Government, History or Citizenship class or studying independently to attain their Citizenship skills.
6	Indicates enrollee is functioning at a proficiency level in and English language skills that should enable them to read and understand the Simplified Edition of the Federal Citizenship Text series with assistance. They should be able to participate successfully in Citizenship instruction in small group or tutorial settings.
2 - 5	Indicates enrollee lacks the literacy and English language skills needed to participate successfully in "regular" Citizenship skills instruction in a classroom setting. Participants should receive further assessment to ascertain at which specific level of ESL instruction in the local program they should be placed.
0 - 1	Indicates enrollee has minimal to no literacy and/or English language skills. Participants may also have had little or no information obtained related to age, native language literacy levels, educational background, and oral language proficiency, participants should be referred to focused instruction in classroom, small group and/or individual settings.

San Diego Community College District Foundation. 1987. Comprehensive Adult Student Assessment System (CASAS). California Department of Education, Sacramento, CA

Important Notice

Corrections to Form M-306

Please read both sides of this sheet before continuing further.

This guide was prepared before effective regulations governing the application process were published. The regulations and program operational changes make necessary the following changes in this guide.

Text Changes

Page 1 - How to File: You may submit your application for permanent residence (Form I-698, inserted after page 3 in this Guide) anytime *after* the date you became a temporary resident, but before your period of eligibility to apply expires. This Guide was mailed to you because our records reflect you are a temporary resident. You may therefore submit your application as soon as you have prepared it following the instructions found in this Guide.

Mailing Address for Southern Regional Processing Facility: The post office box for the Southern Regional Processing Facility has been changed to P.O. Box 569570, and the ZIP Code has changed to 75356-9570.

Fee: A fee of eighty dollars ($80.00) for each I-698 application is required at the time of filing with the Immigration and Naturalization Service. The maximum amount payable by a family (husband, wife, and children under 18 years of age living at home) shall be two hundred and forty dollars ($240.00). Fees are not refundable regardless of the action taken on the application. All fees must be in the form of a U.S. Postal Money Order, Money Order, or Bank Check. Cash or personal checks of any type will not be accepted. All money orders and bank checks must be made payable to "Immigration and Naturalization Service." You will receive a fee receipt after your application is received and processed at a Regional Processing Facility. Any stop payment action taken by you or your representative will cause the Service to terminate action on the application.

Page 2 - Documents: The instruction pertaining to documents has been changed. The phrase "without a certified copy" is deleted from the ninth (9th) line of this section.

Page 3 - Eligibility Requirements (e), Demonstrating Basic Literacy and U.S. History and Government Requirements: These requirements do *not* apply to you if, at the time of application, you are:

(A) under 16 years of age;
(B) 65 years of age or older;
(C) over 50 years of age and have resided in the United States for at least 20 years;
(D) developmentally disabled.

Please submit appropriate documentation with your application if either (C) or (D) apply to you (See item #18 on the I-698).

Eligibility Requirements (e) (1): Applicants can satisfy the conditions set forth in this paragraph during the course of the interview and processing for

permanent residence by examination by Service personnel or by passing a standard test given either by the Educational Testing Service (ETS) or the California State Department of Education with the Comprehensive Adult Student Assessment System (CASAS). Applicants can receive information about the ETS standard test by calling the National Association of Latino Elected Officials (NALEO) "Hotline", toll free at 1-800-446-2536. In California the number is 1-800-346-2536. (See item #18 A on the I-698).

Eligibility Requirements (e) (2): Applicants can satisfy the conditions set forth in this paragraph in the following ways:

(A) by having attended a recognized program for at least 40 hours of a minimum 60-hour course; or

(B) by presenting a high school diploma or general educational development diploma (GED) from a school in the United States (at least 40 hours of instruction must have been in English and U.S. history and government); or

(C) by having attended, for a period of one academic year, a state recognized, accredited learning institution in the U.S. (at least 40 hours of instruction must have been in English and U.S. history and government); or

(D) by having attended INS approved courses conducted by employers, social, community, or private groups (at least 40 hours of instruction must have been in English and U.S. history and government); or

(E) by having completed at least 40 hours of individual study in English and U.S. history and government and passing the proficiency test for legalization, called the "IRCA Test for Permanent Residency." This test is given by INS, certain State Departments of Education, and certain Qualified Designated Entities in good standing. (See item #18 B on the I-698).

Form Changes

I-698 - *Application to Adjust Status from Temporary to Permanent Resident (under Section 245A of Public Law 99-603).*

Page 2, item #19 A. - Grounds for exclusion which may not be waived. The following is added to the end of the statement pertaining to ground #23.

". . ., except for a single offense of simple possession of thirty grams or less of marijuana."

I-690 - *Application for Waiver of Grounds of Excludability under Sections 245A or 210 of the Immigration and Nationality Act.*

Instruction 2, Fee. - The following is added after the sentence "Applicants residing in Guam make cashier's check or money order payable to 'Treasurer, Guam.'"

Applicants residing in the Virgin Islands and Guam who are filing this application along with an I-698 application to a Regional Processing Facility must make their cashier's check or money order payable to "Immigration and Naturalization Service."

APPENDIX D

U.S. Department of Justice
Immigration and Naturalization Service

OMB # 1115-0163
Certificate of Satisfactory Pursuit

Instructions

This form is to be completed by the designated official of a course of study recognized by the Attorney General under 8 CFR 245a.3 (b) (5) to provide instruction to temporary resident aliens. The Certificate of Satisfactory Pursuit, along with the appropriate attachments will be submitted by the applicant in support of his or her application for adjustment from temporary to permanent resident status under section 245A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act, Public Law 99-603. A copy of the completed certificate must be retained on file by the recognized course of study.

This is to certify that *(Applicant Name)*: _____

A Number: _____

is enrolled in a course of study recognized by the Attorney General to prepare the individual, whose name and A-90 number appears above, for permanent resident status in the United States.

This applicant has attended this recognized program for at least forty (40) hours of a minimum sixty (60) hour course as appropriate for their ability level, and has demonstrated progress according to the performance standards of this English language/Citizenship course. The applicant has attained functional skills related to communicative ability, subject matter knowledge, and English language competency. Attainment of these skills was measured by the successful completion of learning objectives appropriate to the applicant's ability level, or attainment of a determined score on a test or tests, or both of these.

I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. I executed this form, after review and evaluation by me or other officials of this institution, of the student's transcripts or other record of courses taken and skills attained. I am a designated official of the institution named below and am authorized to issue this form.

Designated Official *(Signature)*: _____

Date of Issuance: _____

Institution/Entity: _____

Address *(Street Number and Name)*: _____

(City, State and Zip Code): _____

Telephone Number *(Area Code)*: ( ) _____

Attachment:

Evidence of certification as a recognized course of study:

- ☐ Certification from qualified state certifying agency.
- ☐ INS school approval for attendance by nonimmigrant students.
- ☐ INS identification number of QDE Cooperative Agreement.
- ☐ INS approval under 8 CFR 245 a.3 (b)(5)(i)(D).

Authority for Collecting this Information

The authority to prescribe this form is contained in the "Immigration Reform and Control Act of 1986". The information is necessary to determine whether a person meets the English language/Citizenship skills of IRCA by satisfactorily pursuing a course of study recognized by the Attorney General in order to be eligible to adjust status from temporary to permanent resident. All information must be provided as requested. Failure to do so may result in the rejection of this form.

Reporting Burden

Public reporting burden for this collection of information is estimated to average ten (10) minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536; and the Office of Information and Regulatory Affairs Office of Management and Budget, Washington, D.C. 20503.

Form I-699 (10/20/88)

APPENDIX E

U.S. Department of Justice
Immigration and Naturalization Service

Certificate of Attorney General Recognition to Provide Course of Study for Legalization (Phase II)

CERTIFICATE OF ATTORNEY GENERAL RECOGNITION

THIS IS TO CERTIFY THAT

_____
Name of School/Program

_____
Address of school/program

_____
Name of Responsible Official

is recognized by the Attorney General under:

☐ *8 CFR 245a.3(b)(5)(i)(A) (Established public or private institution of learning recognized as such by a qualified state certifying agency);*

☐ *8CFR 245a.3(b)(5)(i)(B) (Institution of learning approved to issue Forms I-20);*

☐ *8CFR 245a.3(b)(5)(i)(C) (Qualified Designated Entity in good-standing); or*

☐ *8CFR 245a.3(b)(5)(i)(D) (Approved by the Director of the INS Outreach Program or district director)*

to provide a course of study in the English language and in the history and government of the United States.

Such course is authorized to instruct aliens wishing to adjust from temporary to permanent resident status under Section 245A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, by satisfactorily pursuing a course of study recognized by the Attorney General to achieve a minimal understanding of English and a knowledge and understanding of the history and government of the United States.

_____
Signature of Director of Outreach or District Director

_____
Type Name

_____
District Office

Serial No. L-_____

_____
Date of Issuance

APPENDIX F

List of Immigration and Naturalization Service district offices from which information concerning matters referred to in this pamphlet may be obtained.

ARLINGTON, VA 22203
4420 N. Fairfax Drive
Room 210

ANCHORAGE, AK 99513
New Federal Building
701 C Street
Room D229

ATLANTA, GA 30303
77 Forsyth Street, S.W.
Room G-85

BALTIMORE, MD 21201
E.A. Garmatz Building
101 W. Lombard Street

BOSTON, MA 02203
JFK Federal Building
Government Center

BUFFALO, NY 14202
68 Court Street

CHICAGO, IL 60604
Dirksen Federal Building
219 S. Dearborn Street

CLEVELAND, OH 44199
A.J. Celebreeze Building
1240 E. 9th Street, #1917

DALLAS, TX 75242
Federal Building
1100 Commerce Street
Room 6040

DENVER, CO 80294-1799
1787 Federal Building
1961 Stout Street

DETROIT, MI 48207
Federal Building
333 Mt. Elliott Street

EL PASO, TX 79901
700 East Antonio
Room B-214

HARLINGEN, TX 78550
2101 Teege Avenue

HELENA, MT 59626-0036
Federal Building
Room 512

HONOLULU HI 96813
595 Ala Moana Blvd.

HOUSTON, TX 77060
509 North Belt

KANSAS CITY, MO 64153
9747 N. Conant Avenue

LOS ANGELES, CA 90012
300 N. Los Angeles Street

MIAMI, FL 33138
7880 Biscayne Blvd.

NEWARK, NJ 07102
970 Broad Street
Federal Building

NEW ORLEANS, LA 70113
701 Loyola Avenue

NEW YORK, NY 10278
26 Federal Plaza

OMAHA, NE 68102
Federal Office Building
106 S. 15th Street
#1008

PHILADELPHIA, PA 19106
601 Market Street
#1321

PHOENIX, AZ 85025
Federal Building
230 N. First Avenue

PORTLAND, ME 04103
739 Warren Avenue

PORTLAND, OR 97209
Federal Office Building
511 N.W. Broadway

SAN ANTONIO, TX 78206
727 E. Durango
Suite A3

SAN DIEGO, CA 92188
880 Front Street

SAN FRANCISCO, CA 94111
Appraisers Building
630 Sansome Street

SAN JUAN, PR 00936
GPO Box 5068

SEATTLE, WA 98134
815 Airport Way, So.

ST. PAUL, MN 55101
180 E. Kellogg Blvd.

National programs may contact:
Director,
Office of Outreach
Immigration &
Naturalization Service
425 I Street, N.W.
Washington, D.C. 20536

Tests Available to Legalization Applicants to Demonstrate Compliance with Basic Citizenship Skills Requirements of IRCA for Adjustment to Permanent Resident Status

Under the general legalization provisions of the Immigration Reform and Control Act of 1986 (IRCA), temporary resident aliens must meet certain requirements in order to achieve permanent resident status. Among these requirements, they must demonstrate basic citizenship skills. IRCA provides two avenues for accomplishing this: One is to meet the requirements of section 312 of the Immigration and Nationality Act, as amended, which relates to the educational requirements for naturalization. Under this provision, applicants must show that they have a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States. Applicants who do not have these competencies may take the other avenue afforded by IRCA and satisfactorily pursue a course of study recognized by the Attorney General to achieve such skills.

In order to facilitate the process by which applicants can demonstrate compliance with either provision of this basic citizenship skills requirement, the Immigration and Naturalization Service (INS) has provided for a total of three alternative testing methods at the "section 312" and "satisfactorily pursuing" levels.

An applicant who is already proficient in the English language and has a knowledge and understanding of United States history and government may demonstrate these competencies in one of two ways as follows:

1. Examination at the time of interview. An applicant's ability to speak and understand words in ordinary usage in the English language will be determined during the course of the interview for permanent resident status. A list of 20 sample sentences, derived from the context of the 1987 Federal Citizenship Text series written at the elementary literacy level, has been developed by the INS for use in the English literacy portion of the examination. This list is available to the public through local INS offices.

   The scope of the civics portion of the examination, which will be conducted orally in English, will be limited to the subject matter covered in the above-mentioned Citizenship texts. The examiner will select questions from a standardized list of 100 U.S. history and government questions developed by the INS. The list of 100 questions, along with the answers, is also available to the public at local INS offices. In choosing the subject matter and in phrasing questions, due consideration will be given to the extent of the applicant's education, background, age, length of residence in the United States, opportunities available and efforts made to acquire the requisite knowledge, and any other elements or factors relevant to an appraisal of the adequacy of his or her knowledge and understanding.

   An applicant who fails the examination at the time of interview will be offered a second opportunity to be re-tested in six months' time unless an earlier appointment is requested. In lieu of a re-test at an INS office, the applicant may elect to take a standardized test as described below or submit evidence of "satisfactory pursuit".

2. Standardized section 312 test authorized by INS. Currently, there are only two organizations authorized by the INS to administer a standardized section 312 test. One is the Legalization Assistance Board in conjunction with the Educational Testing Service (ETS). Information concerning ETS test center locations and schedules may be obtained by calling the National Association of Latino Elected and Appointed Officials (NALEO) "hotline", toll-free number at 1-800-446-2536. In California the number is 1-800-346-2536.

   The ETS test, written in English, consists of 20 multiple-choice questions on United States history and government based on the elementary literacy level of the 1987 edition of the Federal Textbooks on Citizenship. It also includes a short writing exercise. To pass the test the applicant must answer 12 out of 20 questions correctly in any one test session or 20 out of 40 questions correctly in two sessions on the same day. The applicant must also pass the writing exercise. The ETS test costs $10.00 for two consecutive (same day) sessions. Applicants who fail can take a different form of these tests in a subsequent month.

   The other authorized organization is the California State Department of Education in conjunction with the Comprehensive Adult Student Assessment System (CASAS). The INS will provide more information concerning CASAS, as soon as it becomes available.

Applicants who pass the examination at the time of interview or an INS authorized standardized test (both of which are referred to as a "section 312" test) will be relieved of the basic citizenship skills requirement at the time of application to petition for naturalization.

As previously mentioned, applicants who are unable to demonstrate basic citizenship skills may still be able to comply with this requirement by "satisfactorily pursuing" a course of study to achieve such skills. INS' regulatory definition of the term "satisfactorily pursuing" at 8 CFR 245a.1 (s) offers 5 alternative ways in which an applicant can satisfy this requirement. Briefly, these alternatives are: 1) attending at least 40 hours of a minimum 60-hour recognized course of study in English and Civics; 2) presenting a high school diploma or general education development diploma (GED) gained in the United States; 3) attending a state certified school for one academic year of study which includes at least 40 hours of instruction in English and Civics; 4) attending a course conducted by employers, social, community, or private groups, which meets the curriculum and course hour requirements and is certified by INS, or; 5) passing a proficiency test.

The proficiency test, called the "IRCA Test for Permanent Residency", was developed by INS in conjunction with the Comprehensive Adult Student Assessment System (CASAS). The test is presented via videotape and contains 15 multiple-choice questions (in English) preceded by 3 practice questions to help familiarize the applicant with the testing. The questions cover United States history and government and life skills (e.g., topics related to employment, social security, immigration, etc.). No writing is required and only minimal reading and listening comprehension in English is needed. An applicant must answer at least 9 of the questions correctly in order to pass the test. There is no limit as to the number of times an applicant may take the test. Applicants

who take this test must be able to attest that they have completed at least 40 hours of individual study.

The proficiency test indicates that the applicant is able to read and understand minimal functional English within the context of the history and government of the United States. The test is administered by INS and other qualified administrators such as state departments of education and their designated educational agencies, as well as, Qualified Designated Entities in good-standing. Information concerning participation in the proficiency testing process may be obtained by writing to: Director, INS Outreach Program, 425 I Street, N.W., Washington, D.C. 20536.

Applicants who pass the proficiency test will satisfy the basic citizenship skills requirement for legalization purposes, but will not be relieved of this requirement at the time of application to petition for naturalization.

Individuals may take a standardized section 312 test or the IRCA Test for Permanent Residency any time after they become temporary residents. They do not have to wait until their eligibility period to apply for permanent residence begins. Individuals whose application for temporary resident status (Form I-687) are pending who are in possession of a valid I-688A may also take any of these test, if they so desire.

U.S. HISTORY/GOVERNMENT EXAMINATION AT TIME OF INTERVIEW FOR ADJUSTMENT OF STATUS FROM TEMPORARY TO PERMANENT RESIDENT

Questions:

1. What are the colors of our flag?
2. How many stars are there in our flag?
3. What color are the stars on our flag?
4. What do the stars on the flag mean?
5. How many stripes are there in the flag?
6. What color are the stripes?
7. What do the stripes on the flag mean?
8. How many states are there in the Union (United States)?
9. What is the 4th of July?
10. What is the date of Independence Day?
11. Independence from whom?
12. What country did we fight during the Revolutionary War?
13. Who was the first President of the United States?
14. Who is the President of the United States today?
15. Who is the Vice-President of the United States today?
16. Who elects the President of the United States?
17. Who becomes President of the United States if the President should die?
18. For how long do we elect the President?
19. What is the Constitution?
20. Can the Constitution be changed?
21. What do we call a change to the Constitution?
22. How many changes or amendments are there to the Constitution?
23. How many branches are there in our government?
24. What are the three branches of our government?

25. What is the legislative branch of our government?

26. Who makes the laws in the United States?

27. What is Congress?

28. What are the duties of Congress?

29. Who elects Congress?

30. How many senators are there in Congress?

31. Can you name the two senators from your state?

32. For how long do we elect each senator?

33. How many representatives are there in Congress?

34. For how long do we elect the representatives?

35. What is the executive branch of our government?

36. What is the judiciary branch of our government?

37. What are the duties of the Supreme Court?

38. What is the supreme law of the United States?

39. What is the Bill of Rights?

40. What is the capital of your state?

41. Who is the current governor of your state?

42. Who becomes president of the United States if the President and the Vice-President should die?

43. Who is the Chief Justice of the Supreme Court?

44. Can you name the thirteen original states?

45. Who said, "Give me liberty or give me death"?

46. Which countries were our principal allies (friends) during World War II?

47. What is the 49th state of the Union (United States)?

48. How many terms can a President serve?

49. Who was Martin Luther King, Jr.?

50. Who is the head of your local government?

51. According to the Constitution, a person must meet certain requirements in order to be eligible to become President. Name one of these requirements.

52. Why are there 100 Senators in the Senate?

53. Who selects the Supreme Court justices?

54. How many Supreme Court justices are there?

55. Why did the Pilgrims come to America?

56. What is the head executive of a state government called?

57. What is the head executive of a city government called?

58. What holiday was celebrated for the first time by the American colonists?

59. Who was the main writer of the Declaration of Independence?

60. When was the Declaration of Independence adopted?

61. What is the basic belief of the Declaration of Independence?

62. What is the national anthem of the United States?

63. Who wrote the Star-Spangled Banner?

64. Where does freedom of speech come from?

65. What is the minimum voting age in the United States?

66. Who signs bills into laws?

67. What is the highest court in the United States?

68. Who was President during the Civil War?

69. What did the Emancipation Proclamation do?

70. What special group advises the President?

71. Which President is called the "Father of our country"?

72. What is the 50th state of the Union (United States)?

73. Who helped the Pilgrims in America?

74. What is the name of the ship that brought the Pilgrims to America?

75. What were the 13 original states of the U.S. called?

76. Name 3 rights or freedoms guaranteed by the Bill of Rights?

77. Who has the power to declare war?

78. Name one amendment which guarantees or addresses voting rights?

79. Which President freed the slaves?

80. In what year was the Constitution written?

81. What are the first 10 amendments to the Constitution called?

82. Name one purpose of the United Nations?

83. Where does Congress meet?

84. Whose rights are guaranteed by the Constitution and the Bill of Rights?

85. What is the introduction to the Constitution called?

86. Name one benefit of being a citizen of the United States?

87. What is the most important right granted to U.S. citizens?

88. What is the United States Capitol building?

89. What is the White House?

90. Where is the White House located?

91. What is the name of the President's official home?

92. Name one right guaranteed by the first amendment?

93. Who is the Commander in Chief of the U.S. military?

94. Which President was the first Commander in Chief of the U.S. military?

95. In what month do we vote for the President?

96. In what month is the new President inaugurated?

97. How many times may a Senator be re-elected?

98. How many times may a Congressman be re-elected?

99. What are the 2 major political parties in the U.S. today?

100. How many states are there in the United States?

Answers:

1. Red, White, and Blue
2. 50
3. White
4. One for each state in the Union (United States)
5. 13
6. Red and White
7. They represent the original thirteen states
8. 50
9. Independence Day
10. July 4th
11. England
12. England
13. George Washington
14. George Bush
15. Dan Quayle
16. The electoral college
17. Vice-President
18. four years
19. The supreme law of the land
20. Yes
21. Amendments
22. 26
23. 3
24. Legislative, Executive, and Judiciary
25. Congress
26. Congress

27. The Senate and The House of Representatives

28. To make laws

29. The people

30. 100

31. (insert local information)

32. 6 years

33. 435

34. 2 years

35. The President, cabinet, and departments under the cabinet members.

36. The Supreme Court

37. To interpret laws

38. The Constitution

39. The first 10 amendment of the Constitution

40. (Insert local information)

41. (insert local information)

42. Speaker of the House of Representatives

43. William Rehnquist

44. Connecticut, New Hampshire, New York, New Jersey, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia, Rhode Island, and Maryland

45. Patrick Henry

46. United Kingdom, Canada, Australia, New Zealand, France, Russia (U.S.S.R.)

47. Alaska

48. 2

49. A civil rights leader

50. (Insert local information)

51. Must be a natural born citizen of the United States;
Must be at least 35 years old by the time he/she will serve;
Must have lived in the United States for at least 14 years

52. Two (2) from each state

53. Appointed by the President

54. Nine (9)

55. For religious freedom

56. Governor

57. Mayor

58. Thanksgiving

59. Thomas Jefferson

60. July 4, 1776

61. That all men are created equal

62. The Star-Spangled Banner

63. Francis Scott Key

64. The Bill of Rights

65. Eighteen (18)

66. The President

67. The Supreme Court

68. Abraham Lincoln

69. Freed many slaves

70. The Cabinet

71. George Washington

72. Hawaii

73. The American Indians (Native Americans)

74. The Mayflower

75. Colonies

76. 1. The right of freedom of speech, press, religion, peaceable assembly and requesting change of government.

2. The right to bear arms (the right to have weapons or own a gun, though subject to certain regulations).

3. The government may not quarter, or house, soldiers in people's homes during peacetime without the people's consent.

4. The government may not search or take a person's property without a warrant.

5. A person may not be tried twice for the same crime and does not have to testify against him/herself.

6. A person charged with a crime still has some rights, such as the right to a trial and to have a lawyer.

7. The right to trial by jury in most cases.

8. Protects people against excessive or unreasonable fines or cruel and unusual punishment.

9. The people have rights other than those mentioned in the Constitution.

10. Any power not given to the federal government by the Constitution is a power of either the state or the people.

77. The Congress

78. 15th, 19th, 24th, 26th

79. Abraham Lincoln

80. 1787

81. The Bill of Rights

82. For countries to discuss and try to resolve world problems; to provide economic aid to many countries

83. In the Capitol in Washington, D.C.

84. Everyone (citizens and non-citizens living in the U.S.)

85. The Preamble

86. Obtain federal government jobs; travel with a U.S. passport; petition for close relatives to come to the U.S. to live

87. The right to vote

88. The place where Congress meets

89. The President's official home

90. Washington, D.C. (1600 Pennsylvania Avenue, N.W.)

91. The White House

92. Freedom of: speech, press, religion, peaceable assembly and, requesting change of the government

93. The President

94. George Washington

95. November

96. January

97. There is no limit

98. There is no limit

99. Democratic and Republican

100. Fifty (50)

ENGLISH LITERACY EXAMINATION AT TIME OF INTERVIEW FOR ADJUSTMENT OF STATUS FROM TEMPORARY TO PERMANENT RESIDENT — READING AND WRITING SAMPLES

1. The American flag is red, white, and blue.
2. The United States has fifty (50) states.
3. George Bush is the President of the United States.
4. There are two (2) Senators from each state.
5. The Congress makes the laws in the United States.
6. I live in (State in which applicant resides).
7. The Congress meets in the Capitol.
8. The President works in Washington, D.C.
9. George Washington was the first President.
10. We are all equal (free) in America.
11. July 4 is Independence Day.
12. You must be a United States citizen to vote.
13. The American flag has fifty (50) stars.
14. Washington, D.C. is the capital of the United States.
15. I live in the United States of America.
16. The President lives in the White House.
17. The American flag has thirteen (13) stripes.
18. The Vice President works in Washington, D.C.
19. We have freedom of speech in the United States.
20. The Congress has two (2) houses.

"SATISFACTORILY PURSUING"

THE TERM "SATISFACTORILY PURSUING" MEANS:

(1) AN APPLICANT HAS ATTENDED A RECOGNIZED PROGRAM FOR AT LEAST 40 HOURS OF A MINIMUM 60-HOUR COURSE AS APPROPRIATE FOR HIS OR HER ABILITY LEVEL, AND IS DEMONSTRATING PROGRESS ACCORDING TO THE PERFORMANCE STANDARDS OF THE ENGLISH/CITIZENSHIP COURSE PRESCRIBED BY THE RECOGNIZED PROGRAM IN WHICH HE OR SHE IS ENROLLED.

- o APPLICANT DOES NOT NEED TO BE ENROLLED IN THE RECOGNIZED COURSE OF STUDY AT THE TIME OF APPLICATION OR INTERVIEW.
- o ENROLLMENT IN THE RECOGNIZED COURSE OF STUDY MUST OCCUR ON OR AFTER MAY 1, 1987;

OR

(2) AN APPLICANT PRESENTS A HIGH SCHOOL DIPLOMA OR GENERAL EDUCATIONAL DEVELOPMENT DIPLOMA (GED) FROM A SCHOOL IN THE UNITED STATES.

- o A GED GAINED IN A LANGUAGE OTHER THAN ENGLISH IS ACCEPTABLE ONLY IF THE GED ENGLISH PROFICIENCY TEST HAS BEEN PASSED;
- o THE CURRICULUM FOR BOTH THE HIGH SCHOOL DIPLOMA AND THE GED MUST HAVE INCLUDED AT LEAST 40 HOURS OF INSTRUCTION IN ENGLISH AND U.S. HISTORY AND GOVERNMENT;

OR

(3) AN APPLICANT HAS ATTENDED FOR A PERIOD OF ONE ACADEMIC YEAR, A STATE RECOGNIZED, ACCREDITED LEARNING INSTITUTION IN THE UNITED STATES AND THAT INSTITUTION CERTIFIES SUCH ATTENDANCE.

- o THE CURRICULUM MUST HAVE INCLUDED AT LEAST 40 HOURS OF INSTRUCTION IN ENGLISH AND U.S. HISTORY AND GOVERNMENT;

OR

(4) AN APPLICANT HAS ATTENDED A COURSE CONDUCTED BY AN EMPLOYER, SOCIAL, COMMUNITY, OR PRIVATE GROUP CERTIFIED BY INS.

- o ENROLLMENT MUST HAVE OCCURRED ON OR AFTER MAY 1, 1987.
- o THE CURRICULUM MUST HAVE INCLUDED AT LEAST 40 HOURS OF INSTRUCTION IN ENGLISH AND U.S. HISTORY AND GOVERNMENT;

OR

(5) AN APPLICANT ATTESTS TO HAVING COMPLETED AT LEAST 40 HOURS OF INDIVIDUAL STUDY AND PASSES A PROFICIENCY TEST FOR LEGALIZATION CALLED THE "IRCA TEST FOR PERMANENT RESIDENCY".

- TEST IS GIVEN BY INS, CERTAIN STATE DEPARTMENTS OF EDUCATION AND CERTAIN QUALIFIED DESIGNATED ENTITIES (QDEs) IN GOOD STANDING;

- TEST INDICATES THAT THE APPLICANT IS ABLE TO READ AND UNDERSTAND MINIMAL FUNCTIONAL ENGLISH WITHIN THE CONTEXT OF THE HISTORY AND GOVERNMENT OF THE UNITED STATES.

NOTES:

1. EVIDENCE OF "SATISFACTORY PURSUIT" MAY BE SUBMITTED EITHER AT THE TIME OF FILING FORM I-698, SUBSEQUENT TO FILING FORM I-698, BUT BEFORE THE SCHEDULED INTERVIEW, OR AT THE TIME OF INTERVIEW.

2. AN APPLICANT WHO FULFILLS THE ENGLISH LANGUAGE AND BASIC CITIZENSHIP SKILLS REQUIREMENTS UNDER THE "SATISFACTORILY PURSUING" STANDARD WILL NOT BE TESTED AGAIN IN THESE AREAS BY INS FOR LEGALIZATION PURPOSES. SUCH APPLICANT MAY BE GRANTED PERMANENT RESIDENT STATUS, PROVIDED HE OR SHE IS OTHERWISE ELIGIBLE.

3. FULFILLMENT OF THE BASIC CITIZENSHIP SKILLS REQUIREMENT UNDER THE "SATISFACTORILY PURSUING" STANDARD DOES NOT RELIEVE THE APPLICANT OF THIS REQUIREMENT AT THE TIME OF APPLICATION TO PETITION FOR NATURALIZATION.

U.S. Department of Justice
Immigration and Naturalization Service

Petition for Attorney General Recognition to Provide Course of Study for Legalization: Phase II

INS USE ONLY - DO NOT WRITE IN THIS BLOCK

Approval under 8 CFR 245a.3(b)(5)(i)(D) for attendance by aliens adjusting to permanent resident status under Section 245A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, by satisfactorily pursuing a course of study recognized by the Attorney General.

Signature of the Director of Outreach		
Signature of the District Director		
District Office code	Date of approval	Serial No. of I-804

This section is to be **COMPLETED BY THE PETITIONER**. If you need more space to answer any items on this form, use a separate sheet of paper. Identify each answer with the number and letter of the corresponding item.

TO THE IMMIGRATION AND NATURALIZATION SERVICE:

Petition is made to the (check one) ☐ Director of Outreach ☐ District Director of the _____ District Office for approval of this institution or organization under 8CFR 245a.3(b)(5)(i)(D) as a course(s) of study recognized by the Attorney General for attendance by temporary resident aliens who wish to comply with the basic citizenship requirements of Section 245A(b)(1)(D)(i)(II) of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603, by satisfactorily pursuing a course of study to achieve a minimal understanding of ordinary English and a knowledge and understanding of the history and Government of the United States.

1. Name of School	2. Address of School	3. Telephone Number

4. Mailing Address *(If different than box 2)*	5. Name and Address of Responsible Official *(Or owner)*

6. Petitioning organization is:

- ☐ National organization
- ☐ Community organization
- ☐ Association of agricultural employers
- ☐ Non-profit organization providing educational services
- ☐ Church, synagogue, or other religious communal center
- ☐ Proprietary school
- ☐ Farm labor organization
- ☐ Local government agency
- ☐ Other (explain)

7. The organization operates under the following authorization:

- ☐ Non-profit status issued by IRS or State certifying agency
- ☐ Proprietary *(Attach appropriate licensing and a certified copy of accountant's last statement of school's net worth, income, and expenses)*
- ☐ Volunteer *(Attach evidence of affiliation with recognized non profit organization, i.e. religious community, literacy organization, State or local educational authority)*
- ☐ Local government agency
- ☐ Other *(Explain)*

8. This organization offers:

- ☐ English as a second language (ESL) and citizenship preparation
- ☐ English as a second language
- ☐ Citizenship preparation

9. The type of course(s) proposed has been offered by this organization since *(Enter date)*

_____
(Mo./Day/Year)

OMB No. 1115-0156
Approval expires (12-31-90)

10. Average class size and intensity of instruction:

When offered		Average class size & intensity	
Day:	_____	Number classes per week:	_____
Evening:	_____	Period of instruction per class:	_____
Both:	_____	Average class size:	_____

11. Levels of instruction *(Attach a copy of the curriculum proposed, including levels taught)*:

- ☐ ESL/Citizenship
  - ☐ Literacy
  - ☐ Beginner
  - ☐ Intermediate
  - ☐ Advanced
- ☐ Citizenship Preparation Only

12. Brief description of student assessment process *(Describe pre-placement and progress testing. Indicate whether it is written or oral or both)*:

13. Brief description of physical facilities where instruction will be held:

14. Type of training and technical assistance provided for teachers:

15. Describe how classes will be advertised or promoted:

16. Teacher qualifications *(Include qualifications of the Administrator and Supervisor(s))*

- ☐ State teachers certificate
- ☐ Specific training in Teaching English to Speakers of Other Language (TESOL)
- ☐ Other *(Explain)*

17. Instructional fee *(If any)*

a. Per hour of instruction per student: _____

b. Materials fee *(If any)*: _____

IF THE PETITION IS APPROVED, THE PETITIONER AGREES TO:

1. Meet all INS requirements for courses of study approved by the Attorney General including:

   a. Providing evidence of certification by the Attorney General.
   b. Use of Federal Citizenship Text series.
   c. Use of a curriculum.
   d. Maintenance of student records and formal assessment process.
   e. Adherence to the fee structure established by the Director of Outreach or the District Director.
   f. Monitoring by the INS.
   g. Appointment of "Designated Official(s)" and submission of samples of their original signatures.
   h. Issuance of Form I-699, "Certificate of Satisfactory Pursuit".

2. Provide 30-days advance written notice to the INS Director of Outreach or district director, if petitioner chooses to withdraw as a recognized program during the Phase II period for adjustment of status.

I Certify that I am authorized to execute this petition. I understand that unless this institution fully complies with all terms described on this form, approval may be withdrawn. Notification of withdrawal shall be issued in writing and shall be preceeded by a 30-day corrective action period.

Dated at _____, this _____ day of _____, 19 _____

Signature _____

Title _____

Penalities for False Statements in Petitions

Whoever files a petition for approval as a course of study recognized by the Attorney General under 8 CFR 245a.3(b)(5)(i)(D), and who knowingly and willfully falsifies, misrepresents, conceals or covers up a material fact or makes any false statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry will be subject to criminal prosecution.

Authority for Collecting this Information

The authority to prescribe this form is contained in the "Immigration Reform and Control Act of 1986" The information is necessary to determine whether the petitioner is eligible for Attorney General recognition to provide course of study for Legalization Phase II. All questions must be answered. Failure to do so may result in the denial of the petition.

Reporting Burden

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536; and the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503

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